

**FISCAL NOTE**  
**SB 89 – HB 307**

February 1, 2005

**SUMMARY OF BILL:** Provides that it is a Class B misdemeanor for a person who is operating or in physical control of a motor vehicle to consume an alcoholic beverage. Provides that it is a Class C misdemeanor to possess an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is on a public highway except in a motor vehicle being used primarily to transport passengers for compensation, in the living quarters of a recreational vehicle, or a vehicle operated by a chauffeur.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenues - Exceeds \$100,000**

**Increase Local Govt. Revenues - Not Significant**

**Increase Local Govt. Expenditures - Not Significant**

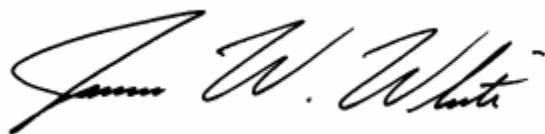
**Other Fiscal Impact – To the extent the provisions of this bill meet federal “open container” requirements, this bill could prevent the transfer of approximately \$12 million in federal funds for FY 05-06 and subsequent years from road construction programs to highway safety programs.**

Assumptions:

- The number of open container violations would double from 650 to 1,300.
- Increase in the average fine for violations of open container provisions committed by drivers from \$40 to \$200 as a result of making offense a Class B misdemeanor.
- Average fine for violations of open container provisions by passengers of \$40.
- The State receives fines and the clerks receive commission on such fines in accordance with TCA 55-10-303.
- There will not be a sufficient number of prosecutions for local governments to experience any significant increase in revenues or expenditures.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director